

BOARD OF APPEALS CASE NO. 5342

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BEFORE THE

APPLICANT: Don & Marie Bragg

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow an addition
within the required 80 foot rear yard setback;
5154 Jolly Acres Road, White Hall**

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OF HARFORD COUNTY

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HEARING DATE: May 12, 2003

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Hearing Advertised

Aegis: 4/11/03 & 4/16/03

Record: 4/11/03 & 4/18/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Don and Marie Bragg, are requesting a variance, pursuant to Section 267-35C, Table II, of the Harford County Code, to allow an addition within the 80 foot rear yard setback (70 feet proposed) in an AG/Agricultural District.

The subject parcel is located at 5154 Jolly Acres Road, White Hall, MD 21161 and is more particularly identified on Tax Map 8, Grid 2B, Parcel 2B, Lot 3. The parcel consists of 2.0920± acres, is zoned AG/Agricultural and is entirely within the Fourth Election District.

Mr. Don Bragg appeared and testified that he and his wife, the Applicants in this case, are seeking a variance so that they can construct a year-round addition to their existing home. The addition will measure 15 feet by 15 feet and will have a small deck to one side. Even though the property exceeds 2 acres in size, the existing home was placed 200 feet off the road and 85 feet off the rear property line. The septic reserve area occupies most of the remainder of the property. A 10 foot variance is required in order to place this addition at the proposed location. Further, according to the Applicant, there is no other practical location for this addition on the property. The Applicant stated that the owners of the parcel to the rear of his are his son and daughter-in-law and that the adjacent property owners have no objection to the proposal. The Applicant felt that his proposed addition was similar to other additions already found in the immediate neighborhood and he did not think any adverse impacts would result from an approval of his request.

Case No. 5342 – Don & Marie Bragg

Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning. Mr. McClune agreed with the Applicant that the subject property was unique. The house was placed well to the rear on the property with 200 feet of front yard and only 85 feet of rear yard. The septic reserve area more or less surrounds the house to the front and sides leaving only the rear of the existing house for improvements. McClune agreed that the proposed addition was similar to other commonly found additions in Harford County and this neighborhood and felt as though no adverse impacts would result from approval of this request.

There were no persons that appeared in opposition to the application.

CONCLUSION

The Applicants, Don and Marie Bragg, are requesting a variance, pursuant to Section 267-35C, Table II, of the Harford County Code, to allow an addition within the 80 foot rear yard setback (70 feet proposed) in an AG/Agricultural District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

For the reasons stated by the Applicant and the Department of Planning and Zoning, the Hearing Examiner finds the property to be unique and further, that the proposed addition will not result in adverse impacts to adjoining property owners nor impair the purposes of the Zoning Code.

The Hearing Examiner recommends approval, subject to the Applicants obtaining any and all necessary permits and inspections.

Date JUNE 11, 2003

William F. Casey
Zoning Hearing Examiner